

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 1, 8, 15, and 25 have been amended. Claims 7, 11, 17, and 18 have been cancelled without prejudice or disclaimer. Claims 1-6, 8-10, 12-16, 19-26 are pending and under consideration.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

The Applicant requests entry of this Rule 116 Response because:

it is believed that the amendment of claims 1, 8, 15, and 25 places this application into condition for allowance; and the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new matter is being added.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §102

On pages 2-4, claims 1, 6-11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Publication No. 2002/0123312 (Hayes et al. – hereinafter Hayes).

Amended, independent claim 1 recites "...wherein the second radiator is approximately perpendicular with the first face of the first radiator."

Amended, independent claim 8 recites "...the second radiator is substantially perpendicular to the primary face of the first radiator."

Fig. 4 of Hayes shows an alleged first radiator 42b connected to the alleged ground plane 43. The first radiator 42b is parallel to the ground plane 43. The Office Action states on page 2 in item 2 that a second radiator 42a is connected to the first radiator. However, because the second radiator 42a is also parallel to the ground plane, the second radiator 42a cannot be perpendicular to the first face of the first radiator 42b.

Thus, Hayes fails to disclose a second radiator that is perpendicular to the first face of the first radiator.

Independent claims 1 and 8 have been amended to include the allowable subject matter of claim 26. For this reason, *inter alia*, independent claims 1 and 8 are also allowable. Therefore, claim 6, which depends on amended, independent claim 1 and claims 9-10 and 13, which depend on amended, independent claims 8 are allowable.

Withdrawal of the foregoing rejections is respectfully requested.

REJECTION UNDER 35 U.S.C. §103

On pages 4-8, claims 2, 15-20, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes et al. in view of U.S. Patent No. 6,388,627 (Masaki et al.)

On pages 8 and 9, claims 4, 5, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes et al. in view of Masaki et al. and further in view of U.S. Patent No. 6,486,834 (Tsai).

On pages 9 and 10, claims 3, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes et al. in view of Masaki et al. and further in view of U.S. Patent No. 5,896,109 (Hachiga et al.).

On pages 10 and 11, claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes et al. in view of Hachiga et al.

On pages 11 and 12, claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes et al. in view of U.S. Publication No. 2003/0234742 (Tai et al.).

The cited references, individually or combined, do not teach or suggest the features found in independent claims 1, 8, 15, or 25 of a second radiator that is perpendicular to the first face of the first radiator.

Withdrawal of the foregoing rejections is respectfully requested.

ALLOWABLE SUBJECT MATTER

Claim 26 is allowed.

CONCLUSION

In accordance with the foregoing, the Applicant respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, the Board should enter this Amendment at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution


can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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